

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

LINKSMART WIRELESS  
TECHNOLOGY, LLC,

Plaintiff,

v.

1. T-MOBILE USA, INC.;
2. WAYPORT, INC.;
3. AT&T, INC.;
4. AT&T MOBILITY, LLC;
5. LODGENET INTERACTIVE CORP.;
6. IBAHN GENERAL HOLDINGS CORP.;
7. EHOSTREAM, LLC;
8. HOT POINT WIRELESS, INC.;
9. NETNEARU CORP.;
10. PRONTO NETWORKS, INC.;
11. APTILO NETWORKS, INC.;
12. FREEFI NETWORKS, INC.;
13. MERAKI, INC.
14. SECOND RULE LLC
15. MAIL BOXES ETC., INC.;
16. MCDONALD'S CORP.;
17. BARNES & NOBLE BOOKSELLERS, INC.;
18. RAMADA WORLDWIDE, INC.;
19. MARRIOTT INTERNATIONAL, INC.;
20. INTERCONTINENTAL HOTELS GROUPS PLC;
21. CHOICE HOTELS INTERNATIONAL, INC.; AND
22. BEST WESTERN INTERNATIONAL, INC.,

Defendants.

Civil Action No: 2:08-CV-00264-TJW-CE

JURY

**STIPULATION OF DISMISSAL**

Linksmart Wireless Technology, LLC and Intercontinental Hotels Group PLC by and through their counsel, hereby stipulate and agree pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, that all claims against Intercontinental Hotels Group PLC in the above-entitled action be dismissed without prejudice. Each party to this stipulation shall bear its own attorney's fees, costs and expenses incurred in connection with the action.

Respectfully submitted,

Dated: December 9, 2008

By: /s/ Marc A. Fenster by permission  
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Dated: December 9, 2008

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**Attorneys for Defendant  
InterContinental Hotels Group PLC**

**CERTIFICATE OF SERVICE**

The undersigned certifies that on this 9th day of December 2008, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3). Any other counsel of record will be served by a facsimile transmission and/or first class mail.

/s/ John M. Guaragna  
John M. Guaragna